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10/055,981

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Julian Bowron

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/055,981

Applicant(s)

BOWRON, JULIAN

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 9,10,14,16-20,26,29,30,32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,11-13,15,21-25,27,28 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 14, 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-6 & 28 are rejected under 35 U.S.C. 102(b) as being anticipated by St. George et al., [U.S. Patent No. 3,643,020]. St. George (figure 1-2) teaches of an “automated kiosk” [“kiosk” in the generic sense – structure with a display screen] comprising: an inherent cabinet (receiving cabinet – note background); a face frame (3) releasably securable to the cabinet; a plurality of cross members (three – 21's, 33 & 26), at least one of the cross members (21) secured to the face frame (fig. 1), at least one

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of the cross members (21 or 33) releasably securable in a plurality of cross member configurations in relation to the face frame [the members may be unsecured and re-secured in another position along the frame for example – the diagonal members may be interchanged thereby fulfilling “releasably secured” and plurality of “cross member configurations” limitations so far as broadly stipulated]; and a plurality of hardware components (tube and 27 – so far as “hardware components” is broadly recited) releasably secured to the cross members; wherein the configurations allow for a plurality of hardware component configurations by allowing components of various sizes or shapes to be secured to the cross members (such as when a different gauge or length of wire strand is utilized or when a different yet similar model tube is interchanged depending upon the needs or preferences of the user). As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet [note the direction of the components as shown in fig. 2). As to claim 4, at least another (26) of the cross members is releasably securable to another cross member (33) in the plurality of cross members. As to claim 5, the at least one releasably securable cross member is releasably securable at each end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk further comprising a faceplate (viewed as the angled plate on member 33) secured to at least one of the cross members, wherein at least one of the hardware components (27) is secured to the faceplate such that the at least one of the components is secured to the cross member indirectly (via member 35 for example). As to claim 28, at least on the cross members (21) is releasably secured along a lateral axis (horizontal portion) of the face frame, and at least one of the cross members (different 21) is releasably secured along a longitudinal axis (vertical portion)

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of the face frame, the secured cross members forming a configurable peripheral grid for releasably securing the components.

3. Claims 1-6, 8, 21-22 & 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima [U.S. Patent No. 5,363,150]. Kojima (figure 1-5) teaches of an “automated kiosk” [“kiosk” in the generic sense – structure with a display screen] comprising: a cabinet (2); a face frame (1) releasably securable to the cabinet; a plurality of cross members (elements forming 3), at least on of the cross members secured to the face frame (fig. 1), at least one of the cross members releasably securable in a plurality of cross member configurations in relation to the face frame [opposite and similar members may be unsecured and re-secured in the opposite position along the frame for example – the corner members may be interchanged thereby fulfilling “releasably secured” and plurality of “cross member configurations” limitations so far as broadly stipulated]; and a plurality of hardware components (components 8’s) releasably secured to the cross members via member (5), wherein the configurations allow for a plurality of hardware component configurations by allowing components of various sizes or shapes to be secured to the cross members (such as when a different retainer or upgraded components are utilized depending upon the needs or preferences of the user). As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet [note the direction of the components as shown in fig. 2). As to claim 3, one edge (top edge) of the face frame is “hinged” to a corresponding edge of the cabinet via (1c & 2a). As to claim 4, at least another (top, corner or side member of U-shaped cross member frame) of the cross members is releasably securable to another cross member (a different one) in the plurality of cross members.

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As to claim 5, the at least one releasably securable cross member is releasably securable at each end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk further comprising a faceplate (5) secured to at least one of the cross members, wherein at least one of the hardware components is secured to the faceplate such that the at least one of the components is secured to the cross member indirectly. As to claim 8, a main frame (4) is secured to the face frame, at least another (corner) of the cross members is secured to the main frame such that at least another (center top or bottom foot) of the cross members is secured to the face frame indirectly. As to claims 21-22, the cross members define a plurality of spaced apart holes (see fig. 1 for example) for receiving a fastener, and the holes are spaced at predetermined intervals. As to claim 28, at least on the cross members (one of the three beams) is releasably secured along a lateral axis (horizontal portion) of the face frame, and at least one of the cross members (different beam) is releasably secured along a longitudinal axis (vertical portion) of the face frame, the secured cross members forming a configurable peripheral grid for releasably securing the components.

4. Claims 1-2, 4-8 & 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al., [U.S. Patent No. 6,082,616]. Lewis (figure 1-10) teaches of an "automated kiosk" ["kiosk" in the generic sense – structure with a display screen] comprising: a cabinet (12); a face frame (32) releasably securable to the cabinet; a plurality of cross members (62, 64 and arm elements perpendicular to member 70 for example), at least on of the cross members secured to the face frame (fig. 4), at least one of the cross members (64) releasably securable in a plurality of cross member configurations in relation to the face frame [the member capable of being rotated 180

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degrees for example – so far as broadly recited – it is viewed that the rotation of the member would constitute a different configuration in relation to the face frame]; and a plurality of hardware components (48, 66, 38) releasably secured to the cross members; wherein the configurations allow for a plurality of hardware component configurations by allowing components of various sizes or shapes to be secured to the cross members (such as when a different yet similar model component is interchanged depending upon the needs or preferences of the user). As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet [note the direction of the components as shown in fig. 1). As to claim 4, at least another (62) of the cross members is releasably securable to another cross member (64) in the plurality of cross members. As to claim 5, the at least one releasably securable cross member is releasably securable at each end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk further comprising a faceplate (now viewed as being element 62 – it is noted that element 62 would then be excluded from being a possible cross member as noted in claim 1 – only 64 and arm elements now) secured to at least one of the cross members (64), wherein at least one of the hardware components (48) is secured to the faceplate such that the at least one of the components is secured to the cross member indirectly. As to claim 7, one of the components is a keyboard (48) and the keyboard is secured to the face frame indirectly by a housing (58) and the housing is secured to the face frame. As to claim 8, a main frame (70) is secured to the face frame, at least another (bottom arm) of the cross members is secured to the main frame such that at least another (top arm) of the cross members is secured to the face frame indirectly. As to claims 21-22, the cross members define a plurality of

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spaced apart holes (see figures for example) for receiving a fastener, and the holes are spaced at predetermined intervals.

5. Claims 1, 2, 4-6, 8, 11, 15 & 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Damico et al., [U.S. Patent No. 4,104,710]. Damico (figure 1-23) teaches of an “automated kiosk” [“kiosk” in the generic sense – fig. 1] comprising: a cabinet (10); a face frame (280 or 296 or 290) releasably securable to the cabinet; a plurality of cross members (270, 122, 132, 142 for example), at least one of the cross members (270) secured to the face frame as readily apparent to the examiner, at least one of the cross members releasably securable in a plurality of cross member configurations in relation to the face frame [the member may be repositioned vertically depending upon the placement of the face frame in relation to the cabinet unit]; and a plurality of hardware components (124, 200, 144 for example) releasably secured to the cross members, wherein the configurations allow for a plurality of hardware component configurations by allowing components of various sizes or shapes to be secured to the cross members (it is viewed that the components are interchangeable with each other or along the cross members depending upon the faceplates 296, 290 or 280 for example). As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet (fig. 4). As to claim 4, member (270) is securable to member (122) for example. As to claim 5, the at least one releasably securable cross member is releasably securable at each end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk further comprising a faceplate (280) secured to at least one of the cross members, wherein at least one of the hardware components (288A) is secured to the faceplate such that the at least one of the components is secured to the

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cross member indirectly. As to claim 8, a main frame (viewed as the frame along the front of the unit – fig. 4) is secured to the face frame, at least another of the cross members is secured to the main frame such that at least another of the cross members is secured to the face frame indirectly. As to claims 11 & 15, the elements are disclosed as noted above. As to claims 23-25, the structure comprises a plurality of faceplates (296, 290 for example) as prescribed by applicant.

6. Claims 1-3, 5, 6, 8, 11-13, 15, 23-25 & 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Yee et al., [U.S. Patent No. 6,435,631]. Yee (figure 1-11) teaches of an “automated kiosk” [“kiosk” in the generic sense – fig. 1] comprising: a cabinet (unit); a face frame (20) releasably securable to the cabinet; a plurality of cross members (14, 16, 116, 140, 32 & square name plate, for example), at least one of the cross members (16) secured to the face frame as readily apparent to the examiner, at least one of the cross members releasably securable in a plurality of cross member configurations in relation to the face frame [member 16 may be interchanged with similar member 116]; and a plurality of hardware components (30, 60 for example) releasably secured to the cross members, wherein the configurations allow for a plurality of hardware component configurations by allowing components of various sizes or shapes to be secured to the cross members (it is viewed that the components may be interchangeable with similar model numbers). As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet as readily apparent to the examiner. As to claim 3, the face frame is hinged (215) to the cabinet. As to claim 5, the at least one releasably securable cross member is releasably securable at each end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk

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further comprising a faceplate (12) secured to at least one of the cross members (140), wherein at least one of the hardware components (pilot device) is secured to the faceplate such that the at least one of the components is secured to the cross member indirectly. As to claim 8, a main frame (18) is secured to the face frame, at least another of the cross members (square name plate) is secured to the main frame such that at least another of the cross members (name plate) is secured to the face frame indirectly. As to claims 11 & 15, the elements are disclosed as noted above. As to claims 12-13, the face frame is a door. As to claims 23-25, the structure comprises a plurality of faceplates (12, 18, 22 for example) as prescribed by applicant. As to claim 28, one member (116) is secured along a longitudinal axis of the face frame, while member (14) is secured along a lateral axis of the face frame.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 23-25, 27 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. Lewis teaches applicant's inventive claimed structure as disclosed above, including a faceplate (42); but does not show a plurality of faceplates or show various gaskets utilized for providing a seal between the faceplates and the cross members. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the assembly of Lewis so as to employ more than one faceplate and sealing

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gaskets because it has been held that mere duplication of the essential working parts (additional faceplates – replacement ones for example) of a device involves only routine skill in the art, while the incorporation of a conventional gasket between the faceplate and the cross members would provide a weather tight seal as is known in the art. Since the incorporation of a gasket is not functionally related in a new or unobvious way to the structure upon which it is located, the claimed gasket is not germane to patentability and therefore does not represent a distinction over the prior art.

### ***Response to Arguments***

9. Applicant's arguments filed March 14, 2006 have been fully considered but they are not persuasive. It is viewed that the prior art rejections as stipulated adequately address applicant's remarks.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watson et al., Beckman et al., and Dimarco describe cabinet structures utilizing cross members for hardware components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James O. Hansen  
Primary Examiner  
Art Unit 3637

JOH  
May 26, 2006